

Declaration

I, Schuyler Barbeau, of sound mind, declare the following to the Court for record.

Around February of 2014, I decided to build a highly customized AR-15 rifle for self defense and sporting purposes, which I believe to be lawful under the Constitution and the Second Amendment.

When I thought about what type of threats I may be facing in the world today, I observed that the threats are numerous and grave. Terrorism has been growing to become a big problem for everyone. ISIS and other terror groups are growing in strength. The attack in Paris is one example where the attackers used machine guns. Law enforcement uses machine guns because they are very effective to eliminate threats, but law enforcement cannot be everywhere all the time. However, armed citizens can. That is why the Second Amendment says that keeping and bearing arms, and militia are necessary to the security of a free state, not police, courts, and prosecutors. Armed and trained citizens are to maintain security. Also, mentally ill people are committing mass shootings all the time and their firepower is increasing as time goes on. These mentally ill people do not fear juries and prison and their intended victims because they are always unarmed. That's why these mass shootings are mostly in gun free zones. Some in the Federal government act outside the bounds of the Constitution and their Jurisdiction. The Bundy Ranch standoff in Nevada in April of 2014 is one of many examples. Over 200 Federal agents of different kinds, along with contracted mercenaries, had concentrated a few miles away from ~~the~~ Cliven Bundy's ranch in order to execute two warrants, but went on to do more than the warrants authorized. The agents there had their machine guns and possibly weapons of much greater firepower. I participated in personal protection ~~from~~ of Cliven and his family to ensure that no harm came to them until matters were resolved one way or

another. I did not want to see another travesty take place like what happened in Waco. Another time where I participated in protecting my fellow citizens from Government overreach was in Oregon in spring of 2015. We ensured no harm came to some miners near Grants Pass, OR. Bureau of Land Management agents had threatened to burn down the miners cabin and destroy and confiscate their mining equipment unless they complied with their unlawful demands. It is well known by most of America, in my opinion, what kind of firepower the Government and law enforcement has. It can not be reasonably denied that sometimes (and increasing in occurrence) government and law enforcement act unlawfully and put citizens lives and property at risk. Police shootings are becoming commonplace. It is also known that other countries like Russia, China, and North Korea have been flexing their muscle lately and I believe that one day, there could be an invasion by one or more of the other Super Powers, and I ~~don't~~ want to be able to defend myself, my family and friend and my fellow Americans from such threats. The military will need all the help it can get. I swore an oath when I joined my beloved Marine Corps to support and defend the Constitution from all enemies foreign and domestic. My oath is to the people of America and never expires. In *Heffern*, the Supreme Court clarified that the constitutional provision, the Second Amendment, guarantees "the individual right to possess and carry weapons in case of confrontation." I possess and carry certain weapons based on what types of threats I may need to defend against. My right is unalienable and shall not be infringed. ~~The National Firearms Act infringes upon my right because it requires me to apply for registration, which could be denied~~

The National Firearms Act infringes upon my right because it requires me to apply for registration, which could be denied. In my case, it would be denied because the 1986 Firearm Owners Protection Act, the Hughes Amendment,

H.R. 4332 banned the registration of new machine guns. This law is an outright ban and must be reviewed under strict scrutiny. The main object of the Bill was to ban the government from creating a registry of gun owners, yet the NFA created a registry of gun owners. There is an infringement if I have to apply, wait for approval, pay a large tax, register in the National Firearm Registration and Transfer Record, just to ~~get~~ get a rifle when other rifles do not have so many regulations. Part of the requirements for licensed manufacturers to produce guns is to install a serial number onto the gun for tracking purposes. I am under no ~~license~~ license or other relationship with the Federal Government where I am required to abide the their terms, that other manufacturers and importers are.

I understand the original intent Congress had in 1934 when they passed the National Firearms Act. They had seen that "short-barreled rifles" and "machine gun" were mainly used for unlawfull purposes by gangsters, racketeers, and professional criminals. During those times, violence by these gangster types was a serious problem that plagued America. They had more firepower than the police. Today ~~is~~ is much different. Society is not plagued by gangster violence like it once was. Today, there is not a majority of people using SBR's and machine gun mainly for unlawfull purposes. I was not using my rifle for unlawful purposes. The ~~weapon~~ gun I am charged with possessing was for lawful purposes ~~only~~ of protect myself and others. An SBR is much easier to move around in confined spaces such as the little trailer that I have stayed in for most of this last summer through winter. Having select fire makes defending myself, others, and my homeland much easier.

The language used in the Congressional hearings, Judicial opinions, case law and regulations uses phrases such as "dangerous weapons", "public safety", and

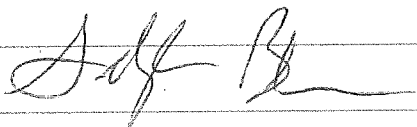
"public safety interest" is the justification for a need to regulate and create a class of weapons. If a class of weapons are more dangerous and pose greater risk to the public, than other weapons, then they lose Second Amendment protection. I challenge, that any weapon is only an inanimate object and can do no harm to anyone by itself. The only way the object can be dangerous to the public is if it is used by someone against the public, which is something I have ~~never had be~~ not ever nor do I currently have such intention, which brings up the issue of ~~mens rea~~ mens rea. I have no evil intent to harm innocent people.

There is no significant functional difference between an SBR with the regular types of ~~buttstocks~~ collapsible buttstocks and other items. Such as the Sig Sauer® arm brace or other braces, stabilizers, flus, or cheek weld braces that are now very popular new products on the market today. The ATF has declared all these items to be "legal" because the manufacturer call it something besides a buttstock and show how it is to be used different than regular buttstocks. These braces and stabilizers can, however, be positioned into the shoulder to help manage recoil. It has become popular now to buy and build AR-15 "pistols" in which you affix a brace or stabilizer to the SBR and it suddenly is not an SBR, but a pistol and becomes completely legal. According to the caselaw, pistols are protected by the Second Amendment ~~but~~ from regulation but not an SBR. What is the difference between an AR-15 SBR and an AR-15 Pistol equipped with a brace or stabilizer when they can be used the same. The regulation need to be clarified, or repealed to favor individual liberty and comply with the Second Amendment.

Since I have been contacted many times over the last year and a half by ~~people~~ my fellow citizens around the Nation who needed protection from law enforcement and government, I realized the need for weapons with greater firepower. Most recently, my friends Allen and Carrie Aenk. had contacted me and expressed a great need for extra security at their ranch. There was an incident in August where two people from Arizona had driven up and stopped by the ranch with the intent of robbing someone else who was there. One of the two brandished a pistol and threatened to shoot Carrie and others. He was disarmed and they were removed from the ranch. I arrived at the ranch from Montana a few days later and was designated a security officer for the ranch. At that time, Eastern Washington had many wildfires burning and the Washington Department of Natural Resources had designated the ranch as a fire base for all the volunteer firefighters from out-of-state to stay at while they worked nearby fighting the fires. The ranch was also designated as a drop off point for all the incoming supplies and food that was distributed to the people who lost their homes to the fires. The food and supplies mainly came from out of state. Because all the traffic coming and going, people showing up that we did not know, and the incident of the two robbers, the need for security was a priority. I provided and was in charge of security. After the fire season finally ended, I stuck around to keep an eye on the place, help with chores and feeding the rescue horses, help with the dog rescue by riding with Carrie across the state to pick up dogs and maintain security during our travels, and help Allen with other work. Then in November, Carrie filed an \$8 million dollar law suit against Grant County, WA for illegal conduct of a Sheriff Deputy and other actions by county employees. Allen and Carrie feared for their lives that the Sheriff Deputy and others were going to come to their home and kill them in retaliation for the lawsuit, for "causing trouble". Carrie's

attorney recommended that she hire personal protection. I was already there doing that so ~~we~~ were going to make an official arrangement to make my stay more permanent or long term temporary by drafting a ~~cover~~ contract where I would rent a trailer in exchange for protection. I was arrested before it was finalized. During this time, my threat was coming from law enforcement/government and this is one scenario out of many I've been involved in that proves the need for firepower and exemplifies that Second Amendment protection extends to all guns, not just pistols and rifles used for hunting or sporting. The second amendment is protection for all Arms so people can protect themselves against all threats.

Schuyler Barbeau



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SeaTac, WA